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not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof; and that I acknowledge my duty to disclose information under 37 C.F.R. § 1.56 of which I am aware that is material to the examination of this reissue application.

2. Applicant is informed that under 37 C.F.R. § 1.56(a) that a duty of candor and good faith toward the United States Patent and Trademark Office ("Office") rests on the inventors, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. Reissue applicant is further aware that all such individuals have a duty to disclose to the Office information that each is aware of which is material to the examination of the application and that such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. Reissue applicant further understands that the duty is commensurate with a degree of involvement in the preparation or prosecution of the application.

3. Applicant verily believes, because of the errors stated below in the claims of U.S. Patent 5,810,775, that said '775 patent is partly inoperative or invalid by reason of applicant claiming more or less than applicant had a right to claim in the '775 patent. All errors which are being corrected in this reissue application up to the time of filing of this declaration under 37 C.F.R § 1.175 arose without any deceptive intention on the part of the applicant herein. Applicant seeks to correct these errors through additional claims 20 through 46.

4. More particularly, an error resides in the failure to present apparatus claims of the scope of claims 20, 32 or 40 and their dependent claims. Failure to appreciate that claims of greater scope could be obtained led to acceptance of claims of narrower scope than the invention, thereby resulting in error by claiming more or less than applicant had a right to claim, and these errors were all made without any deceptive intent.

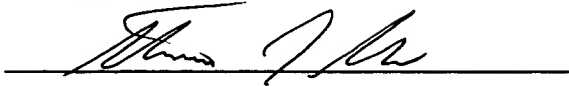
5. Further error resides in the failure to present method claims of the scope of claim 41 and its dependent claims which increase the scope of the claim coverage beyond that of the apparatus claims by focusing upon the novel step of retracting a needle by closing a cap. Such errors render the patent partly or wholly inoperative or invalid by reason of applicant claiming more or less than applicant had a right to claim in the patent, and these errors all occurred without any deceptive intent.

WHEREFORE, I pray that I and my assignee Retractable Technologies, Inc. be allowed to surrender the Letters Patent for "Cap Operated Retractable Medical Device," Number 5,810,775, granted to me on September 22, 1998.

WHEREFORE, Retractable Technologies, Inc., on whose behalf and with whose assent this application is being made, is now sole owner, by assignment, of said patent, and that the Letters Patent may be issued to Retractable Technologies, Inc. for the same invention upon the attached reissue application.

I, the undersigned applicant, declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of

the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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